

February 10, 1960

STATEMENT OF ATTORNEY GENERAL MALCOLM B. SEAWELL

During the last several days, North Carolina has been plagued with a rash of so-called "sit-down strikes" in the restaurant section of retail establishments. These incidents have posed and continue to pose a serious threat to the peace and good order in the communities in which they occur. It seems apparent that these incidents have been promoted, encouraged and even supervised by persons coming into North Carolina from other states. Such trouble-makers are irresponsible, and their actions can only result in irreparable harm being done to racial relations here in North Carolina. During the past several days, there have been so many requests that my office advise as to the law covering the situation, both from the standpoint of State law and from the standpoint of municipal law, that I feel it appropriate to state that, as a general proposition, citizens have the legal right to seek to use the services of retail establishments, but that private retail establishments have a legal right to operate their businesses without being interfered with, and to sell or not sell to customers as they see fit. I should point out that there is also a right in the community at large, and that is the right to see that peace and good order are maintained in the community, including the premises of any retail establishment if conditions in that establishment threaten the peace and good order of the community.

Our Supreme Court, in the case of STATE v. CLYBURN ET ALS, 247, quoting from page 458, said:

"Our statutes (trespass statutes) impose criminal penalties for interfering with the possession or right of possession of real estate privately held. These statutes place no limitation on the right of the person in possession to object to a disturbance of his actual or constructive possession. The possessor may accept